

STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

ORDER

APPLICATION 6582

PERMIT 3560

LICENSE 2854

ORDER CORRECTING DESCRIPTION OF POINTS
OF DIVERSION AND CORRECTING DESCRIPTION OF PLACE OF USE

WHEREAS a new survey having been made and the ties to the points of diversion used by R. E. Hughes on East Dredge Cut of Sutter By-pass having been amended, and

WHEREAS a typographical error was made in description of the place of use in said License 2854, and

WHEREAS it having been determined to the satisfaction of the State Water Rights Board that correction of description of points of diversion as set forth in letter of February 26, 1958, and correction of description of place of use under Application 6582, Permit 3560, License 2854, will not operate to the injury of any other legal user of water, the Board so finds, and

IT IS HEREBY ORDERED that the description of the points of diversion under said Application 6582, Permit 3560, License 2854, be and the same are hereby corrected to read as follows, to wit:

- (1) SOUTH EIGHTY-ONE DEGREES, FIFTEEN MINUTES WEST (S 81° 15' W) SIX HUNDRED FIFTY-EIGHT (658) FEET FROM THE NE CORNER OF SECTION 19, T13N, R3E, MDB&M, BEING WITHIN THE NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 19.
- (2) SOUTH NINE HUNDRED EIGHTY (980) FEET THENCE SOUTH FORTY DEGREES, SEVEN MINUTES EAST (S 40° 07' E) TWENTY-FOUR HUNDRED SIXTY (2460) FEET FROM THE NW CORNER OF SECTION 20, T13N, R3E, MDB&M, BEING WITHIN THE NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SAID SECTION 20.

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- (3) SOUTH EIGHT HUNDRED NINETY (890) FEET AND WEST SEVEN HUNDRED TEN (710) FEET FROM THE NE CORNER OF SECTION 29, T13N, R3E, MDB&M, BEING WITHIN THE NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 29.
- (4) SOUTH ONE THOUSAND TWENTY (1020) FEET AND EAST THREE THOUSAND NINE HUNDRED EIGHTY-FIVE (3985) FEET FROM NW CORNER OF SECTION 33, T13N, R3E, MDB&M, BEING WITHIN THE NE $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF SAID SECTION 33.
- (5) NORTH TWO HUNDRED EIGHTY (280) FEET AND EAST TWO THOUSAND FIFTY (2050) FEET FROM THE SW CORNER OF SECTION 34, T13N, R3E, MDB&M, BEING WITHIN THE SE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SAID SECTION 34.

IT IS FURTHER ORDERED that the description of the place of use under said Application 6582, Permit 3560, License 2854, be corrected to read as follows, to wit:

THAT PORTION OF THE SUTTER BY-PASS LYING BETWEEN THE NORTH LINES OF SECTION 19, T13N, R3E, AND SECTION 24, T13N, R2E, MDB&M, AND THE NORTHERLY BANK OF WILLOW SLOUGH AS SHOWN ON MAP FILED WITH THE STATE WATER RIGHTS BOARD ON MARCH 26, 1930, CONTAINING 1897.65 ACRES AND LYING WITHIN SECTION 24, T13N, R2E, SECTIONS 19, 20, 29, 30, 32, 33 AND 34, T13N, R3E, AND SECTIONS 3, 4 AND 9, T12N, R3E, MDB&M.

WITNESS my hand and the seal of the State Water Rights Board of the State of California this 23rd day of May, 1960

L. K. Hill
L. K. Hill
Executive Officer





LICENSE 2854

PERMIT 3560

APPLICATION 6582

THIS IS TO CERTIFY, That R. E. Hughes
Woodland, California

'Notice of Assignment (over)

made proof as of September 20, 1945
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of
East Dredge Cut of Sutter By-Pass in Sutter County

tributary to **Sacramento River**

for the purpose of **irrigation use**
under Permit **3560** of the

under Permit **3560** of the Department of Public Works and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works and the terms of the said permit; that the priority of the right herein confirmed dates from

March 4, 1930:

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed **thirty four (34) cubic feet per second from about April 1 to about October 31 of each season.**

This license is based on the use of water made during the year 1944 which was the year of maximum use within the three year period immediately preceding the date of inspection.

The points of diversion of such water are located as follows:

- (1) South eighty-one degrees, fifteen minutes West (S. 81° 15' W.) six hundred fifty eight feet from the N.E. corner of Sec. 19, T. 13 N., R. 3 E., M.D.B. & M., being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 19.

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- (2) East twenty-one hundred fifty (2150) feet from the NW corner of Section 3, T. 12 N., R. 3 E., M.D.B. & M., being within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 3.
- (3) South nine hundred eighty (980) feet thence South forty degrees, seven minutes East (S. 40° 07' E) twenty four hundred sixty (2460) feet from the NW corner of Section 20, T. 13 N., R. 3 E., M.D.B. & M., being within the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 20.
- (4) West seventeen hundred thirty (1730) feet thence South forty degrees, seven minutes East (S. 40° 07' E.) fifteen hundred (1500) feet from the NE corner of Section 29, T. 13 N., R. 3 E., M.D.B. & M. being within the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 29.
- (5) East twenty seven hundred twenty (2720) feet, thence South forty degrees, seven minutes East (S. 40° 07' E.) seventeen hundred (1700) feet from the NW corner of Section 33, T. 13 N., R. 3 E., M.D.B. & M., being within the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said section 33.

A description of the lands or the place where such water is put to beneficial use is as follows:

That portion of the Sutter By-Pass lying between the South lines of Section 19, T. 13 N., R. 3 E., and Sec. 24, T. 13 N., R. 2 E., M.D.B. & M. and the northerly bank of Willow Slough as shown on map filed with the State Engineer on March 26, 1930, containing 1897.65 acres and lying within Section 24, T. 13 N., R. 2 E., Sections 19, 20, 29, 30, 32, 33 and 34, T. 13 N., R. 3 E., and Sections 3, 4 and 9, T. 12 N., R. 3 E., M.D.B. & M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water, and to prevent unreasonable interference with vested rights.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public Works of the State of California, this
day of **March**, 19 **47**

EDWARD P. MATT, State Engineer

Edward P. Matt
XXX *Edward P. Matt* XXX

10-23-57 RECEIVED NOTICE OF ASSIGNMENT TO *Partial Leona Hughes*

2-19-60 RECEIVED NOTICE OF ASSIGNMENT TO *of Int. of Leona Hughes to Neal Westrope*

7-7-61 RECEIVED NOTICE OF ASSIGNMENT TO *of Int. of R. E. Hughes to Agrivest Corp.*

5/10/89 Asgd. to Westrope Ranches Ltd.
L2854

4-8-96 Assigned to Westrope Ranches, Ltd. and Montna Family Trust

5/24/96 App#6582 Lic#2854 Not of asgd:
Westrope Ranches, Ltd. Montna Family Trust, Agrivest Corporation, Richard & Sandra Giusti

LICENSE **2854**
STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO **R. E. Hughes**
DATED **March**, 19**47**